# First Nations Water Rights in British Columbia

*A Historical Summary of the rights of the*

*Broman Lake First Nation*

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MINISTRY OF ENVIRONMENT, LANDS and PARKS
WATER MANAGEMENT BRANCH

# *FIRST NATIONS WATER RIGHTS IN BRITISH COLUMBIA:*

## *A Historical Summary of the rights of the Broman Lake First Nation*

| | |
|---|---|
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The sheer numbers of First Nations groups' with histories of water rights made the completion of the Report Series seem, at times, prolonged. The determination, patience and vision of the partners was essential in the completion of the Series and is gratefully acknowledged.

Gary Robinson
Project Manager
Water Management Branch

# TABLE OF CONTENTS

LOCATION ..... 1

WATER ALLOCATIONS ..... 2

HISTORY, CURRENT STATUS AND NOTES ..... 2

un-named creek

History ..... 2
Current Status ..... 3
Notes ..... 3

OTHER INFORMATION ..... 3

ATTACHMENTS UNDER THE FOLLOWING INDEX TABS:

TAB NO.

1. TABLE - Summary of Water Records for the Broman Lake Band.

2. COPY OF WATER LICENCE APPLICATION: Z101195

3. DATA SUMMARY OF GROUNDWATER RECORDS

4. MAP - Decker Lake Reserve No. 10

# FIRST NATIONS WATER RIGHTS REPORT


**BAND:** Broman Lake

**ADDRESS:** P.O. Box 760, Burns Lake, B.C. V0J 1E0

**CHIEF:** Maureen Ogen

**PHONE:** 698-7309 **FAX:** 698-7480

**AFFILIATION:** Carrier-Sekani Tribal Council


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## LOCATION:

The Broman Lake Band occupy 13 reserves spread out over a large area located in the central interior region of the province, in the vicinity of the village of Burns Lake. The reserves range in size from 8.6 hectares to 113 hectares, and cover a total area of 676.2 hectares. The 13 reserves are:

Decker Lake 10
Decker Lake 10A
Duncan Lake 12
Felix George (Owen Lake) 3
Foxy Creek 11B
Gaichbin (Park Lake) 5
Klagookchew (Nadina River) 4
Maxim Creek 11A
Maxim Lake 11
Maxim Lake 12A
Peter Alec 6
Tatla 1 (west half)
Tsichgass Lake 2

The most recent population figures compiled by the Ministry of Finance show the Broman Lake Band to have a total population of 145, with 69 persons living on the reserves listed above, and 76 persons living off-reserve.

The reserve Decker Lake No. 10 (Palling No. 1), from which there is an application for a water license, sits at the northern tip of Decker Lake, approximately 15 kilometres from the town of Burns Lake. The reserve is 22.7 hectares in area, and the majority of land area is classified as marsh. Decker Lake No. 10 sits at elevations ranging from 2300 feet and 2400 feet above mean sea level, with average daily temperatures which range from lows in January of -10 degrees centigrade to highs in July of less than 16 degrees centigrade. Average annual rainfall for the area totals between 30 and 50 centimetres.

Water courses of significance include:

- A small, un-named seasonal creek: described as flowing through the reserve and draining into Decker Lake.

## WATER ALLOCATIONS:

There are no records of water allocations made by either the Indian Reserve Commission, the Lieutenant Governor in Council (by an Order in Council), or by the Board of Investigations. Further, allocations by virtue of the issue of water licenses, or actions to amend licensed rights pursuant to provisions in the *Water Act.*, have not occurred, with respect to the Broman Lake Band.

## HISTORY, CURRENT STATUS, AND NOTES:

The history of water rights, the current status of rights and notes for the Broman Lake Band with respect to the un-named creek are as follows:

### un-named creek

**History:**

**Mar 17, 1989** — The Broman Lake Band and Ducks Unlimited Canada applied jointly for a water license to divert and store 40,000 $m^3$ from the un-named creek, which discharges into Decker Lake. The expressed purpose is conservation; however, the co-operative use of water for sewage treatment may be licensable as an industrial purpose. The priority date on this application is March 17, 1989. The water is for use on Palling Reserve No. 1 (Decker Lake No. 10).

Accompanying documents explain that the project incorporates the construction of a marsh which would facilitate breakdown and removal of nutrients subsequent to secondary treatment of the sewage from Palling Village.

**Feb 7, 1994** — Ducks Unlimited sent a letter notifying the Water Management Branch of their intention to abandon Application Z101195. The letter recommended contacting the Broman Lake Band in order to ascertain their status regarding the application.

**Aug 2, 1996** Application Z101195 was recorded as abandoned. Documentation contained on file does not indicate whether the Broman Lake Band was contacted/notified regarding the abandonment of the application.

**Current Status:**

No water licenses have been issued on the creek. As the application was recorded as abandoned in August of 1996, all precedential rights granted to the Broman Lake Band and Ducks Unlimited, associated with the application, have been lost.

Water Survey of Canada has no records for the creek and there is no other current information on file with regards to water availability.

**Notes:**

1. Application Z101195 was recorded as abandoned August 2, 1996. There is no record on file confirming consultation and/or notification with/of the Broman Lake Band regarding the abandonment of the application.

## OTHER INFORMATION:

### Groundwater Records:

A review of well records maintained by the MELP - Groundwater Section found that one (1) well has been reported on Decker Lake Reserve No. 10. The well yields 40 gallons per minute but the extent of it's utilization at this time is unknown. Further details have been appendicized to the report.

As provision of well information to the Groundwater Section is voluntary, this review should not be assumed to be complete.

### Municipal Water Sources:

Presently, there are no municipal water systems in the proximity of the Broman Lake Reserves.

# ATTACHMENT 1

## Summary of Water Rights Records

## Broman Lake Band

| Water Source | Priority Date | Reserve Name | File Number | Document Type | Status | Superceded By | Licence PUC/MOD & OIC Allotments | Comments |
|---|---|---|---|---|---|---|---|---|
| Un-named creek (23210) | 1989/03/17 | Decker Lake #10 (Palling #1) | 6000528 | Z101195 | Abandoned | | 40,000 cubic metres/ Conservation or Industrial (Sewage) | Z101195: **February 1994**: Letter received from Ducks Unlimited (co-applicant) requesting *abandonment of application* ; File does not indicate whether Band was contacted/notified regarding abandonment. |

**LEGEND:**

**Licence Types (Document Types)**
CL: Conditional Licence
FL: Final Licence

**Mechanisms for Allocation (Document Type)**
OIC: Order-in-Council (as issued by the Luitenant Governor in Council)
MOD: Minute of Decision (as recorded under the Indian Reserve Commission)
IRC: Indian Reserve Commission
AGBC: Attorney Generals Office of BC (followed by File #)

**Allotment Units (Licence PUC/MOD & OIC Allotments)**
GAD: Gallons a day
AF: Acre feet
CFS: Cubic feet per second

# ATTACHMENT 2

Province of British Columbia

# WATER LICENCE APPLICATION

**PLEASE REFER TO GUIDE NOTES. TO BE ACCEPTED, THIS APPLICATION MUST BE COMPLETED FULLY AND ACCOMPANIED BY A $25.00 APPLICATION FEE.**

PLEASE PRINT FIRMLY (Do Not Erase) 985-725-7455 FILE NO: 6-528

| | |
|---|---|
| 1. Name | Broman Lund Indian Band / Ducks Unlimited Canada |
| Mailing Address | 1925 South Ogilvie Street |
| Apt. # / Street # / Street / Post Office Box # | |
| City: Prince George | Province: B.C. Postal Code: V2N 1X2 |
| Property Address If Different | — |
| Home Tel: — | Business Tel: 561-0008 Message Tel: |
| 2. Source | Small seasonal creek that flows through the Polling I.R. #1 Discharges into: Decker Lake |
| 3. Purpose and Quantity | Domestic _____ gallons a day. Irrigation _____ number of acres. Storage _____ acre feet a year. Other (Specify) Conservation 40,000 m³ |
| 4. Place of Use | Legal description of property where water is to be used: Polling Indian Reserve #1 (on topo maps shows as Decker Lake I.R #10) CLSR BC 402 District Lot 6426, Coast Land District, Range 5 |
| Tenure to Land | Registered Owner ☐ Lessee ☐ Other Indian Band. - Also has approval of the Department of Indian and Northern Affairs |
| 5. Works | THE PROPOSED WORKS WILL CONSIST OF: Pipe ☐ Irrigation System ☐ Trough ☐ Tank ☐ Storage Works: Height of Dyke 1.5 m Construction Material Organics Maximum Area of Reservoir 12 acres Quantity of Water Stored 40,000 m³ Other Works: Diversion of a creek see attached sketch. Joint Works ☐ Other users: |
| 6. Point of Diversion/ Storage Site | Location: 650 m north and 250 m east of the SW corner of the Polling Indian Reserve #1 (District Lot 6426, Coast Land District, Range 5) |
| 7. Lands Affected | The works will physically affect (by crossing or flooding) the following lands: Legal Description of Land Affected: Polling Indian Reserve #1 — Name of Owner (including Crown): As above. (Broman Lake Indian Band) |
| 8. Any Additional Relevant Information | See attached letter explaining circumstances etc. |

NOTE: A sketch must accompany your application. See guide notes, Item 9, for sketch requirements.

MINISTRY OF ENVIRONMENT
MAR 17 1989
PROCESSED
SMITHERS, B.C.

Ducks Unlimited Canada — Nancy Clark (Area Manager) — March 16, 1989
Applicant's Signature / Agent's Signature / Date

**FOR OFFICIAL USE ONLY:**

This is to certify that the sum of _____ dollars ($25.00) was received from the undersigned for payment of application for water licence.

Ducks Unlimited / Broman L.I.B — March 17/89 — [signature]
Applicant (please print) / Date / Received By

7445284
Receipt Number

To be removed and forwarded with Batch Transmittal Sheet

# ATTACHMENT 3

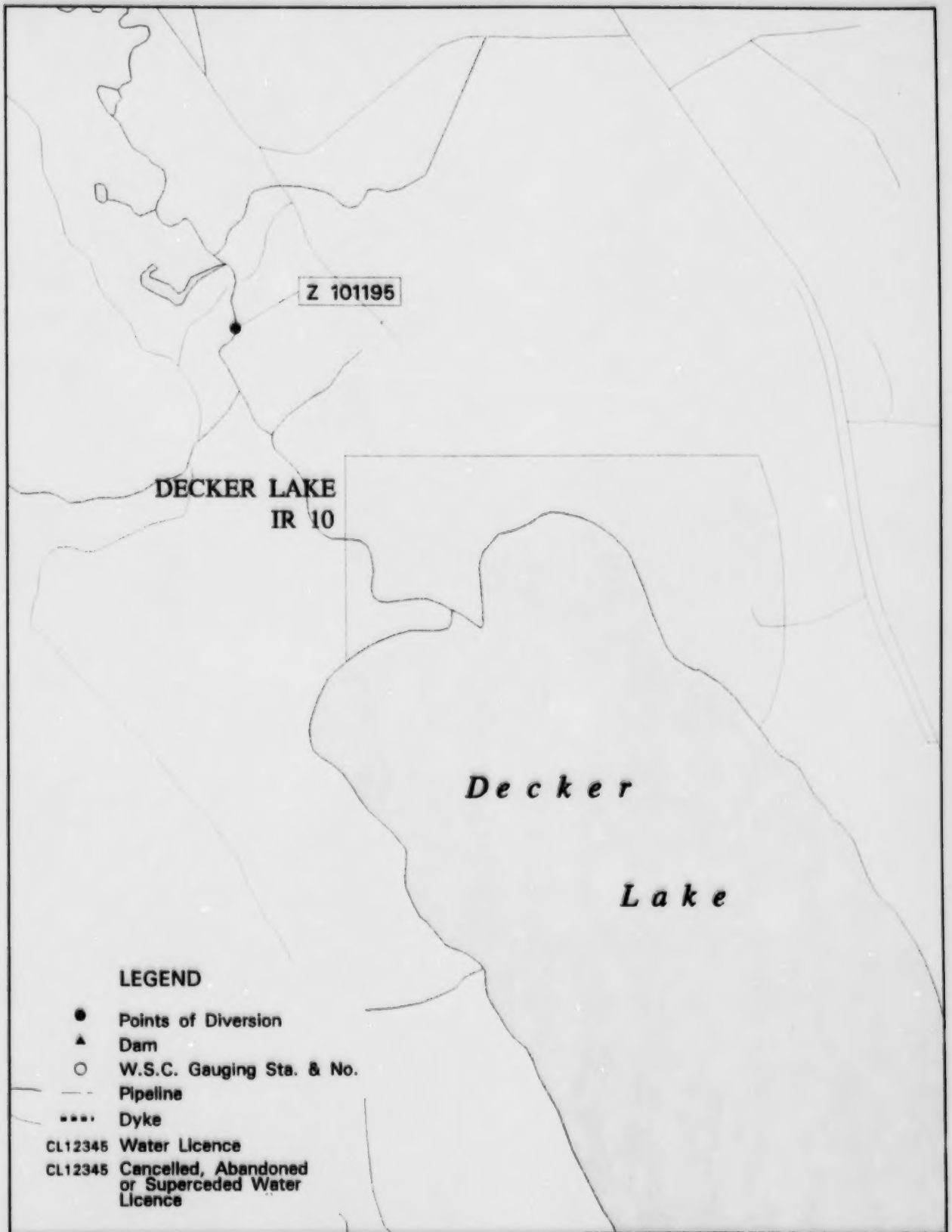
11/09/95

Ministry of Environment - Water Management Branch - Groundwater Section
Groundwater Database System
Data Summary - with Legal Descriptions and Old Coordinates

| NTS Map Area | Well No. | Well Tag No. | Lot No. | Plan No. | Blk No. | TP | RC | RG | D.L. | X | X | Y | Old Well No. | L.D. | Site Address | Date Constructed (day) | Well Depth (ft.) | Well Diam. (in.) | Drill Contr No. | Const. Method | Well Yield | Yld. Unt. | Depth to Water (ft.) | Depth to Bedrk (ft.) | Aquif Litho | Screen Interval (ft.) | G.W. Rpt | Chem Lab |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 093E.031.2.3.1 | 001 | 000000019649 | 1 | 3927 | | | | | 558 | 00 | 00 | 00 | 000 | 14 | | 01-01-1966 | 250.0 | 0.0 | 314 | DRI | 150.0 | GPM | 60 | 242 | BRED | | | |
| 093E.031.2.3.1 | 002 | 000000004957 | | 1533 | | | | | 558 | 00 | 00 | 00 | 000 | 14 | | 01-01-1950 | 96.0 | 0.0 | UNK | UNK | | | 1 | UNK | UNC | | | |
| 093E.031.2.3.1 | 003 | 000000019647 | 6 | 4936 | | | | | 558 | 00 | 00 | 00 | 000 | 14 | | 01-01-1966 | 24.0 | 0.0 | UNK | UNK | | | 16 | UNK | UNC | | | |
| 093E.031.2.3.1 | 004 | 000000004835 | | | | | | | | 00 | 00 | 00 | 000 | 14 | HWY 16 | 01-01-1950 | 220.0 | 6.0 | 312 | DRI | 40.0 | GPM | 1 | UNK | UNC | | | |
| 093E.031.2.3.1 | 005 | 000000036941 | | | | 5 | | | 559 | 00 | 00 | 00 | 000 | 14 | | 01-04-1977 | 50.0 | 0.0 | 005 | DRI | | | UNK | UNK | UNC | | | |

DISCLAIMER: The Province disclaims all responsibility for the accuracy of this information. This information should not be used as a basis for making financial or any other commitments.

# ATTACHMENT 4




# Broman Lake

Scale 1:10,000

Ministry of Environment, Lands & Parks Date: October 27, 1997 Environment & Lands Division